

Laws and Regulations
Relating To

Registered Athlete Agents



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The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

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DISCLAIMER

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KENTUCKY REVISED STATUTES

164.6901 Short title.

KRS 164.6901 to 164.6935 may be cited as the Uniform Athlete Agents Act.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 172, sec. 1, effective June 24, 2003.

As used in KRS 164.6901 to 164.6935, unless the context requires otherwise:

- (1) "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or an endorsement contract;
- (2) "Athlete agent" means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization;
- (3) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male and female students, the athletic program for males or the athletic program for females, as appropriate;
- (4) "Contact" means a communication, direct or indirect, between an athlete agent and a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;
- (5) "Office" means the Office of Occupations and Professions in the Public Protection Cabinet;
- (6) "Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;
- (7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics;
- (8) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;
- (9) "Professional-sports-services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;
- (10) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (11) "Registration" means registration as an athlete agent pursuant to KRS 164.6901 to 164.6935;
- (12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and

(13) "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 214, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 43, effective June 25, 2009. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 2, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 1, effective July 15, 1998.

Formerly codified as KRS 164.680.

164.6903 Definitions for KRS 164.6901 to 164.6935.

As used in KRS 164.6901 to 164.6935, unless the context requires otherwise:

(1) "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or an endorsement contract;

(2) "Athlete agent" means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization;

(3) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male and female students, the athletic program for males or the athletic program for females, as appropriate;

(4) "Contact" means a communication, direct or indirect, between an athlete agent and a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;

(5) "Office" means the Office of Occupations and Professions in the Public Protection Cabinet;

(6) "Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;

(7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics;

(8) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;

(9) "Professional-sports-services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;

(10) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(11) "Registration" means registration as an athlete agent pursuant to KRS 164.6901 to 164.6935;

(12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and

(13) "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 214, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 43, effective June 25, 2009. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 2, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 1, effective July 15, 1998.

Formerly codified as KRS 164.680.

164.6905 Role of Office of Occupations and Professions.

(1) By acting as an athlete agent in this state, a nonresident individual appoints the Office of Occupations and Professions as the individual's agent for service of process in any civil action in this state related to the individual's acting as an athlete agent in this state.

(2) The office may issue subpoenas for any material that is relevant to the administration of KRS 164.6901 to 164.6935.

(3) The office may promulgate administrative regulations in accordance with KRS Chapter 13A that are necessary to carry out the provisions of KRS 164.6901 to 164.6935.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 215, effective July 15, 2010. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 3, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 2, effective July 15, 1998.

Formerly codified as KRS 164.681.

164.6907 Certificate of registration required.

(1) Except as otherwise provided in subsection (2) of this section, an individual may not act as an athlete agent in this state without holding a certificate of registration under KRS 164.6911 to 164.6913(3).

(2) Before being issued a certificate of registration, an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if:

(a) A student-athlete or another person acting on behalf of the student-athlete initiates communication with the individual; and

(b) Within seven (7) days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

(3) An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under contract.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 172, sec. 4, effective June 24, 2003.

164.6909 Contents of application -- Certificate from other state (f)

(1) An applicant for registration shall submit an application for registration to the office in a form prescribed by the office. An application filed under this section is a public record. The application must be in the name of an individual, and except as otherwise provided in subsection (2) of this section, signed or otherwise authenticated by the applicant under penalty of perjury and state or contain:

(a) The name of the applicant and the address of the applicant's principal place of business;

- (b) The name of the applicant's business or employer, if applicable;
 - (c) Any business or occupation engaged in by the applicant for the five (5) years next preceding the date of submission of this application;
 - (d) A description of the applicant's:
 - 1. Formal training as an athlete;
 - 2. Practical experience as an athlete agent; and
 - 3. Educational background relating to the applicant's activities as an athlete agent; and
 - (e) The names and addresses of three (3) individuals not related to the applicant who are willing to serve as references;
 - (f) The name, sport, and last known team for each individual for whom the applicant acted as an athlete agent during the five (5) years next preceding the date of submission of the application;
 - (g) The names and addresses of all persons who are:
 - 1. With respect to the athlete agent's business if it is not a corporation, the partners, members, officers, managers, associates, or profit-sharers of the business; and
 - 2. With respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation having an interest of five percent (5%) or greater;
 - (h) Whether the applicant or any person named pursuant to paragraph (g) of this subsection has been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony, and identify the crime;
 - (i) Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to paragraph (g) of this subsection has made a false, misleading, deceptive, or fraudulent representation;
 - (j) Any instance in which the conduct of the applicant or any person named pursuant to paragraph (g) of this subsection resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student-athlete or educational institution;
 - (k) Any sanction, suspension, or disciplinary action taken against the applicant or any person named pursuant to paragraph (g) of this subsection arising out of occupational or professional conduct; and
 - (l) Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew, the registration or licensure of the applicant or any person named pursuant to paragraph (g) of this subsection as an athlete agent in any state.
- (2) An individual who has submitted an application for, and holds a certificate of, registration or licensure as an athlete agent in another state, may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection (1) of this section. The office shall accept the application and the certificate from the other state as an application for registration in this state if the application to the other state:
- (a) Was submitted in the other state within six (6) months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;
 - (b) Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and
 - (c) Was signed by the applicant under penalty of perjury.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 216, effective July 15, 2010. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 5, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 3, effective July 15, 1998.

Formerly codified as KRS 164.682

164.6911 Office may refuse to issue certificate -- Renewal of registration.

(1) Except as otherwise provided in subsection (2) of this section, the office shall issue a certificate of registration to an individual who complies with KRS 164.6909(1) or whose application has been accepted under KRS 164.6909(2).

(2) The office may refuse to issue a certificate of registration if the office determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. In making the determination, the office may consider whether the applicant has:

- (a) Been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony;
- (b) Made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent;
- (c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;
- (d) Engaged in conduct prohibited by KRS 164.6925;
- (e) Had a registration or licensure as an athlete agent suspended, revoked, or denied, or been refused renewal of registration or licensure as an athlete agent in any state;
- (f) Engaged in conduct the consequence of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student-athlete or educational institution; or
- (g) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

(3) In making a determination under subsection (2) of this section, the office shall consider:

- (a) How recently the conduct occurred;
- (b) The nature of the conduct and the context in which it occurred; and
- (c) Any other relevant conduct of the applicant.

(4) An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the office. An application filed under this section is a public record. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required in an original registration.

(5) An individual who has submitted an application for renewal of registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection (4) of this section, may file a copy of the application for renewal and a valid certificate of registration or licensure from the other state. The office shall accept the application for renewal from the other state as an application for renewal in this state if the application to the other state:

- (a) Was submitted in the other state within six (6) months next preceding the filing in this state and the applicant certifies the information contained in the application for renewal is current;
 - (b) Contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this state; and
 - (c) Was signed by the applicant under penalty of perjury.
- (6) A certificate of registration or a renewal of registration is valid for one (1) year.

164.6913 Suspension, revocation, or nonrenewal of certificate -- Temporary certificate.

(1) The office may suspend, revoke, or refuse to renew a registration for conduct that would have justified denial of registration under KRS 164.6911(2).

(2) The office may deny, suspend, revoke, or refuse to renew a certificate of registration or licensure only after proper notice and an opportunity for a hearing in accordance with KRS Chapter 13B.

(3) The office may issue a temporary certificate of registration while an application for registration or renewal of registration is pending.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 218, effective July 15, 2010. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 7, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 8, effective July 15, 1998.

Formerly codified as KRS 164.687.

164.6915 Fees.

An application for registration or renewal of registration must be accompanied by a fee in the following amount:

(1) An initial application for registration fee determined by the office, not to exceed three hundred dollars (\$300);

(2) An annual renewal fee determined by the office, not to exceed three hundred dollars (\$300); or

(3) An application for registration fee based upon certification of registration or licensure issued by another state determined by the office, not to exceed two hundred fifty dollars (\$250).

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 219, effective July 15, 2010. -- Created 2003 Ky. Acts ch. 172, sec. 8, effective June 24, 2003.

164.6917 Requirements for agency contract.

(1) An agency contract must be in a record, signed or otherwise authenticated by the parties.

(2) An agency contract must state or contain:

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or may receive from any other source for entering into the contract or for providing the services;

(b) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student-athlete signed the agency contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

- (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;
- (2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT; AND
- (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.
- (4) An agency contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.
- (5) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student-athlete at the time of execution.

Effective: June 24, 2003

History: Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 9, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 5, effective July 15, 1998.

Formerly codified as KRS 164.684.

164.6919 Notice to athletic director.

- (1) Within seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.
- (2) Within seventy-two (72) hours after entering into an agency contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete shall inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agency contract.

Effective: June 24, 2003

History: Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 10, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 6, effective July 15, 1998.

Formerly codified as KRS 164.685.

164.6921 Cancellation of agency contract by student-athlete.

- (1) A student-athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within fourteen (14) days after the contract is signed.
- (2) A student-athlete may not waive the right to cancel an agency contract.
- (3) If a student-athlete cancels an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 172, sec. 11, effective June 24, 2003.

164.6923 Records to be retained by athlete agent.

- (1) An athlete agent shall retain the following records for a period of five (5) years:
 - (a) The name and address of each individual represented by the athlete agent;
 - (b) Any agency contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agency contract.

(2) Records required to be retained in subsection (1) of this section are open to inspection by the office during normal business hours.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 220, effective July 15, 2010. -- Created 2003 Ky. Acts ch. 172, sec. 12, effective June 24, 2003.

164.6925 Prohibited acts.

(1) An athlete agent, with the intent to induce a student-athlete to enter into an agency contract, may not:

(a) Give any materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to a student-athlete before the student-athlete enters into the agency contract; or

(c) Furnish anything of value to any individual other than the student-athlete or another registered athlete agent.

(2) An athlete agent shall not intentionally:

(a) Initiate contact with a student-athlete unless registered under KRS 164.6901 to 164.6935;

(b) Refuse or fail to retain or permit inspection of the records required to be retained by KRS 164.6923;

(c) Fail to register when required by KRS 164.6907;

(d) Provide materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate an agency contract; or

(f) Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

Effective: June 24, 2003

History: Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 13, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 4, effective July 15, 1998.

Formerly codified as KRS 164.683.

164.6927 Penalties.

(1) Any person who engages in the business of an athlete agent or represents himself or herself as an athlete agent without being registered in accordance with KRS 164.6901 to 164.6935 shall be guilty of a Class A misdemeanor.

(2) Any registered athlete agent who knowingly and willfully commits a prohibited act contained in KRS 164.6925 shall be guilty of a Class D felony.

(3) Any registered athlete agent who knowingly and willfully violates any provision of KRS 164.6917 shall be guilty of a Class D felony.

(4) A student athlete who knowingly and willfully violates any provision of KRS 164.6919 shall be guilty of a Class A misdemeanor.

(5) Any registered athlete agent or athlete who fails to make restitution to a college or university that prevails in a suit brought under KRS 164.6929 shall be guilty of a Class D felony.

Effective: June 24, 2003

History: Repealed, reenacted, and amended 2003 Ky. Acts ch. 172, sec. 14, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 9, effective July 15, 1998.

Formerly codified as KRS 164.689.

164.6929 Right of action of educational institution for damages caused by violation of KRS 164.6901 to 164.6935.

(1) An educational institution has a right of action against an athlete agent or a former student-athlete for damages caused by a violation of KRS 164.6901 to 164.6935. In an action under this section, the court may award to the prevailing party costs and reasonable attorney's fees.

(2) Damages of an educational institution under subsection (1) of this section include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student-athlete, the educational institution was injured by a violation of KRS 164.6901 to 164.6935 or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.

(3) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(4) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(5) The office may assess a civil penalty against an athlete agent not to exceed twenty-five thousand dollars (\$25,000) for a violation of KRS 164.6901 to 164.6935.

(6) KRS 164.6901 to 164.6935 does not restrict rights, remedies, or defenses of any person under law or equity.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 221, effective July 15, 2010. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 15, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 7, effective July 15, 1998.

Formerly codified as KRS 164.686.

164.6931 Construction of KRS 164.6901 to 164.6935.

In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 172, sec. 16, effective June 24, 2003.

164.6933 Effect of federal act.

The provisions of KRS 164.6901 to 164.6935 governing the legal effect, validity, or enforceability of electronic records or signatures, and of contracts formed or performed with the use of such records or signatures, conform to the requirements of Section 102 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 15 U.S.C. sec. 7001 et seq., and supersede, modify, and limit the Electronic Signatures in Global and National Commerce Act.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 172, sec. 17, effective June 24, 2003.

164.6935 Severability.

If any provision of KRS 164.6901 to 164.6935 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of KRS 164.6901 to 164.6935 which

can be given effect without the invalid provision or application, and to this end the provisions of KRS 164.6901 to 164.6935 are severable.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 172, sec. 18, effective June 24, 2003.

KENTUCKY ADMINISTRATIVE REGULATIONS

200 KAR 30:010. Definitions for 200 KAR Chapter 30.

RELATES TO: KRS 164.680-164.689

STATUTORY AUTHORITY: KRS 164.681(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.681(4) authorizes the division to promulgate administrative regulations necessary to carry out the provisions of KRS 164.680 to 164.689. This administrative regulation establishes the definitions for 200 KAR Chapter 30.

Section 1. Definitions. (1) "Agent contract" is defined by KRS 164.680(1).

(2) "Appropriate college, university, or athletic regulatory body" means the college, university, or athletic regulatory body which provides or regulates an athletic program in which a student athlete participates or did participate, at the time the misconduct set forth in a complaint occurred.

(3) "Athlete agent" is defined by KRS 164.680(3).

(4) "Charge" means an allegation issued by the college, university, or athletic regulatory body stating a violation of a specified provision of KRS 164.681 to 164.689, or 200 KAR Chapter 30, has occurred.

(5) "Complaint" means a written allegation of misconduct by a registered athlete agent or student athlete which may constitute a violation of KRS 164.680 to 164.689 or 200 KAR Chapter 30.

(6) "Disciplinary action" means:

(a) A suspension or revocation of an athlete agent's registration;

(b) The imposition of community service upon a student athlete; or

(c) A combination of the actions authorized in paragraphs (a) and (b) of this subsection.

(7) "Director" means the director of the Division of Occupations and Professions.

(8) "Division" is defined by KRS 164.680(4).

(9) "Investigative assistant" means an individual assigned by the division to assist in the investigation of a complaint.

(10) "Student athlete" is defined by KRS 164.680(7). (26 Ky.R. 270; Am. 584; eff. 9-16-99.)

200 KAR 30:020. Complaint review.

RELATES TO: KRS 164.680-164.689

STATUTORY AUTHORITY: KRS 164.681(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.681(4) authorizes the division to promulgate administrative regulations necessary to implement KRS 164.680 to 164.689. This administrative regulation establishes the procedure for review of a complaint against an athlete agent or student athlete. KRS 164.681(4) authorizes the division to promulgate administrative regulations establishing a procedure to review complaints against athlete agents and student athletes for violation of KRS 164.680 to 164.689, and the administrative regulations promulgated thereunder. This administrative regulation sets forth procedures for review of complaints.

Section 1. Form of Complaint: Response. (1) A complaint shall be:

(a) Submitted to the division;

(b) In writing; and

(c) Signed by the person offering the complaint.

(2) A complaint may be filed by a person or institution, including the division or appropriate college, university, or athletic regulatory body, based upon information in its possession.

(3) Upon receipt of a complaint, the division shall:

(a) Send a copy to the appropriate college, university, or athletic regulatory body; and

(b) Send to the athlete agent or student athlete named in the complaint:

1. A copy of the complaint; and

2. A request for a response to the complaint.

(4) The response shall be:

(a) Filed with the division within twenty (20) days from the date of service of the complaint; and

(b) Served upon the appropriate college, university, or athletic regulatory body.

Section 2. Review by Appropriate College, University, or Athletic Regulatory Body. (1) After the receipt of a complaint, and a response, or after the period of time for a response to be filed has expired, the appropriate college, university, or athletic regulatory body shall enter an initial determination within thirty (30) days stating in writing whether a formal investigation of the complaint is necessary. An extension of time shall be granted by the division for good cause, upon request by the institution.

(2)(a) A college, university, or athletic regulatory body shall determine that a complaint does not warrant a formal investigation if:

1. The complaint does not allege a violation of KRS 164.680 to 164.689 or 200 KAR Chapter 30; or

2. The allegations in the complaint, if true, would not constitute a violation of KRS 164.680 to 164.689 or 200 KAR Chapter 30.

(b) If the college, university, or athletic regulatory body determines that a complaint does not warrant a formal investigation pursuant to paragraph (a) of this subsection, the college, university, or athletic regulatory body shall notify the complaining party, the person against whom the complaint was made, and the division of its recommendation not to proceed. The division shall:

1. Accept the recommendation not to proceed; or

2. Order a formal investigation under subsection (3) of this section.

(3) If the division, the appropriate college, university, or athletic regulatory body determines that a complaint warrants a formal investigation, the college, university, or athletic regulatory body shall:

(a) Issue a written statement notifying the division, person against whom the complaint was made, and person or institution making the complaint, of the decision to investigate the complaint; and

(b) Authorize its president, athletic director, or designated representative, and an investigative assistant, to investigate the complaint and report their findings and recommendations to the division within ninety (90) days of the date of the notification of the decision to investigate. An extension of time shall be granted by the division for good cause shown.

Section 3. Issuance of Recommendations: Review by the Division. (1) Upon completion of the formal investigation, the college, university, or athletic regulatory body shall issue a written report to the division stating its factual findings and recommendations as to the proper disposition of the complaint. The recommendations shall be served upon the person against whom the complaint was made. If disciplinary action is recommended, the report shall state the charges upon which the recommendations are based.

(2) Within fifteen (15) days of receipt of the recommendation, the division shall take action as required by KRS 164.687(1).

(3) If the division determines that the charges do not warrant disciplinary action, the complaint shall be dismissed. The division shall notify the complaining party, the individual being investigated, and the appropriate college, university, or athletic regulatory body, of the outcome of the complaint.

(4) If the division determines that the charges warrant disciplinary action, the division shall issue an order stating the charges, and the disciplinary action imposed. The order shall be signed by the director and served upon the person disciplined.

(5) An order by the division may be appealed as authorized by KRS 164.687(2).

Section 4. Notice and Service of Process. (1) Unless waived by the recipient, service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's last known address or, if known, by regular mail on the named individual's attorney.

(2) Refusal of service if by certified mail, or avoidance of service if hand-delivered, shall not prevent the division from proceeding, as may be appropriate. (26 Ky.R. 271; Am. 584; eff. 9-16-99.)

200 KAR 30:030. Procedure for registration.

RELATES TO: KRS 164.682

STATUTORY AUTHORITY: KRS 164.681(4), 164.682(2)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.681(4) authorizes the division to promulgate administrative regulations necessary to implement the provisions of KRS 164.680 to 164.689. KRS 164.682(2)(a) requires a person to register as an athlete agent by completing and submitting to the division the required application. This administrative regulation establishes the procedures for application and registration of an athlete agent.

Section 1. Application Procedures. (1) An applicant for registration shall submit to the division:

- (a) A completed Application for Athlete Agent Registration;
- (b) The fee required by KRS 164.682(2)(b) and 200 KAR 30:040;
- (c) A copy of the information required by KRS 164.682(2)(c); and
- (d) A copy of the agent contract with the student athlete.

(2) An application shall be complete and signed by the applicant.

(3) The division may request clarification and verification of the information provided in the application.

(4) To file a surety bond with the division pursuant to KRS 164.682(2)(c)1, an agent shall submit to the division a completed Bond for Athlete Agents.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Athlete Agent Registration (2/99)"; and
- (b) "Bond for Athlete Agents (2/99)".

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.. (26 Ky.R. 273; Am. 585; eff. 9-16-99.)

200 KAR 30:040. Fees.

RELATES TO: KRS 164.682(2)(b)

STATUTORY AUTHORITY: KRS 164.681, 164.682(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.682(2)(b) requires a person registering as an athlete agent to pay a registration fee and renewal fee as established by the division. This administrative regulation establishes the fees charged by the division.

Section 1. Application and Renewal Fees. (1) The fee for initial registration with the Kentucky Division of Occupations and Professions as an athlete agent shall be \$300.

(2) The registration renewal fee shall be paid as of March 31 of each year.

(a) The renewal fee for registration as an athlete agent shall be \$100 if paid by March 31.

(b) The late renewal fee during a sixty (60) day grace period after March 31 shall be \$150.

(c) The late renewal fee after the sixty (60) day grace period, but during a one (1) year period after March 31, shall be \$200.

(d) The division shall:

1. Revoke a registration not renewed within one (1) year of March 31; and

2. Reinstate the registration upon:

a. Satisfaction of all requirements necessary for an initial applicant; and

b. Payment of a reinstatement fee of \$300.

Section 2. Verification of Registration Fee. The fee for a verification of a registration shall be fifteen (15) dollars. (26 Ky.R. 274; Am. 586; eff. 9-16-99.)

200 KAR 30:050. Reinstatement.

RELATES TO: KRS 164.687(3)

STATUTORY AUTHORITY: KRS 164.681(4), 164.687(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.687(3) authorizes the reinstatement of a registered athlete agent by the division. This administrative regulation establishes the reinstatement procedures.

Section 1. Reinstatement Procedures. (1) A person whose registration has been revoked due to disciplinary action taken by the division for a minimum of three (3) years may petition the division for reinstatement.

(2) A copy of the petition shall be sent to the division and the appropriate college, university, or athletic regulatory body.

(3) The appropriate college, university, or athletic regulatory body shall respond to a petition for reinstatement within thirty (30) days from the date of receipt.

(4) The division shall consider the petition and response, and may investigate the petition on its own, or in response to an objection, if raised.

(5) The division shall reinstate the registration upon a factual finding that the athlete agent:

(a) Has complied with the terms prescribed in the order of revocation; and

(b) Displays knowledge and ethical character which displays an ability to competently act as an athlete agent in conformity with KRS 164.680 to 164.689 and 200 KAR Chapter 30.

(6) The athlete agent seeking reinstatement may request a hearing with the division within thirty (30) days after an adverse decision on the petition. (26 Ky.R. 274; Am. 586; eff. 9-16-99.)

200 KAR 30:060. Annual contact report.

RELATES TO: KRS 164.682(5)

STATUTORY AUTHORITY: KRS 164.681, 164.682(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.682(5) requires an athlete agent to file an annual contact report on activities within Kentucky. This administrative regulation establishes the minimum requirements for the annual contact report.

Section 1. Annual Contact Report. An annual contact report shall be filed by March 31 of each year, and shall include:

- (1) A list of each student athlete contacted, either directly or otherwise, during the preceding twelve (12) months;
- (2) The date of initial contact with each student athlete;
- (3) A list of student athletes with whom the athlete agent enters into an oral or written contract or provides in-kind benefits, with an attached copy of the contract, if written;
- (4) The date and time the athlete agent entered into each contract or in-kind transaction;
- (5) The date and time written notification was provided to the athletic director or president of the college or university in which the student athlete was enrolled when the athlete agent entered into each contract or provided monetary or in-kind benefits to a student athlete, with an attached copy of the written notification; and
- (6) A complete financial statement for the preceding year through December 31. (26 Ky.R. 275; Am. 586; eff. 9-16-99.)

200 KAR 30:070. Records retention.

RELATES TO: KRS 164.684(2), 164.685

STATUTORY AUTHORITY: KRS 164.681(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.684(2) and 164.685 require an athlete agent and student athlete to provide to the college or university in which a student athlete is enrolled written notification of an agent contract or the acceptance of in-kind benefits. This administrative regulation establishes the records retention requirements for a college or university receiving this written notification.

Section 1. (1) A college or university which receives written notification that a student athlete has entered an agent contract or accepted in-kind benefits from an athlete agent shall:

- (a) Record the time and date of receipt of the notification; and
 - (b) Maintain the written notification, and the record of time and date of receipt, for a period of five (5) years.
- (2) The records shall be subject to inspection by an authorized agent of the division. (26 Ky.R. 276; Am. 587; eff. 9-16-99.)